

REMARKS/ARGUMENTS

1. In the above referenced Office Action, the Examiner rejected claims 1-3, 5-10, 14-20, 22-24, 28-31, 33- 38, 42-44 under 35 USC § 102 (e) as being anticipated by May (U.S. Pub. No. 2004/0104707).

Claims 1-46 are currently pending in this application. The rejections above have been traversed and, as such, the applicant respectfully requests reconsideration of the allowability of claims 1-46.

2. In the present Office Action, the summary indicates that claims 1-46 have been rejected. In the detailed action however, no basis for rejection is provided for claims 4, 11-13, 21, 25-27, 32, 39-41 and 45-46. Applicant assumes that claims 4, 11-13, 21, 25-27, 32, 39-41 and 45-46 are allowable if rewritten in independent form.

3. As discussed above, claims 1-3, 5-10, 14-20, 22-24, 28-31, 33- 38, 42-44 were rejected under 35 USC § 102 (e) as being anticipated by May (U.S. Pub. No. 2004/0104707). In making this reject, the Examiner refers to various elements of FIGs. 1 & 2 of May, and makes general references to paragraphs [0022]-[0041].

Both May and the present application claim priority under 35 USC § 119(e) to provisionally filed patent application entitled MULTI-FUNCTION HANDHELD DEVICE, having a provisional serial number of 60/429,941 and a provisional filing date of 11/29/2002 (the '941 application). FIGs. 1 and 2 and paragraphs [0022] - [0041] of May are drawn from

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the '941 application. The minor changes between these sections of May and the '941 application do not appear to bear upon the substance of Examiner's rejection.

Because the present application also claims priority from the '941 application, (that predates the filing date of May) Applicant believes that May is not prior art to the present application. For this reason, Applicant respectfully requests that this basis for rejection be withdrawn.

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For the foregoing reasons, the applicant believes that claims 1-46 are in condition for allowance and respectfully request that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

No additional fee is due. The Commissioner is authorized to charge any fees that are required or credit any overpayment to Deposit Account No. 50-2126 (SIG000098).

RESPECTFULLY SUBMITTED,

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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to fax number (571) 273-8300 to: Commissioner of Patents and Trademarks, Alexandria, Virginia 22313, on the date below:

09/05/2006

Date

Diane Hudson

Signature